

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Municipal Administration and Urban Development Department – Suits – W.P.No.34411/97 filed by Sri M. Prasad & 8 Others of Nizamabad Municipal Corporation – W.P. allowed by Hon'ble High Court – SLP filed against the orders of Hon'ble High Court is dismissed by Hon'ble Supreme Court – permission to implement the orders of Hon'ble High Court – accorded – orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (UBS) DEPARTMENT

G.O.Ms.No. 344

Dated: 17-08-2011

Read the following:-

1. District Collector, Nizamabad Proc.No.D3/4579/96-1 to 11 dated 3.07.1997.
2. Orders of Hon'ble High Court dated 24.08.2004 in W.P.No.34411/97
3. From the CDMA., Lr.Rc.No.18784/2004/N3 dated 11.06.2010.
4. Govt. Memo No.17614/UBS/2004 dated 09.07.2009.
5. From the CDMA., Lr.Rc.No.18784/2004-N3 dated 26.07.2010.
6. Govt. Memo No.17614/UBS/2004 dated 1.2.2011.
7. From the CDMA., Lr.Rc.No.18784/2004-N3 dated 25.04.2011.

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O R D E R:

The following persons were appointed as Assistant Project Officers and Technical Supervisor by the District Collector, Nizamabad on contract basis under UBSP scheme on daily wages in the municipalities noted against their names.

1. Sri M.Sanga Reddy, APO	Nizamabad
2. Sri M.Bala Krishna Prasad, APO	Nizamabad
3. Sri M.Prasad, APO	Nizamabad
4. Smt V.Leela, APO	Nizamabad
5. Smt E.Nagamalleswari, APO	Nizamabad
6. Smt B.Geetha, APO	Nizamabad
7. Sri C.Ramesh, APO	Nizamabad
8. Sri K.Vaman Rao, APO	Bodhan
9. Sri P.Goverdhan Goud, T.S.	Nizamabad
10. Sri Y.V.Narsimha Reddy, T.S.	Nizamabad
11. Smt T.Rama Devi, APO	Nizamabad

2. All the above persons were terminated by District Collector, Nizamabad vide proceeding 1st read above after due enquiry as they were involved in serious financial irregularities in implementation of the scheme which were proved.

3. The Hon'ble Andhra Pradesh Administrative Tribunal vide common order dated 05.11.1997 have also dismissed OAs No.4629/97 to 4634/97, 4636/97, 4648/97, 4658/97, 4670/97 & 5099/95 filed against their termination & regularization.

4. Aggrieved by the orders of Hon'ble Andhra Pradesh Administrative Tribunal the following persons filed W.P. No 34411 /97 in the Hon'ble High Court

1. Sri M.Prasad, APO	Nizamabad
2. Smt V.Leela, APO	Nizamabad
3. Smt E.Nagamalleswari, APO	Nizamabad
4. Smt B.Geetha, APO	Nizamabad
5. Sri C.Ramesh, APO	Nizamabad
6. Sri M.Sanga Reddy, APO	Nizamabad
7. Sri M.Bala Krishna Prasad, APO	Nizamabad
8. Sri P.Goverdhan Goud, T.S.	Nizamabad
9. Sri K.Vaman Rao, APO	Bodhan

Contd..2..

5. The Andhra Pradesh High Court in its orders dated 24.8.2004 in W.P.No.34411/1997 set aside the orders of the Tribunal and declared that the termination orders issued on 3.7.1997 are illegal and arbitrary. Consequently, they are entitled for reinstatement with all attendant benefits, which they could have got, but for the illegal termination. The Hon'ble High Court held that it is also not disputed that similarly situated persons were absorbed as Community Organizers by virtue of the G.O.Ms.No.547,MA dated 13.10.1998. But for illegal termination, the petitioners could have also been absorbed as Community Organizers under these circumstances and directed that the petitioners shall be deemed to have been absorbed as Community Organizers from the date their counter parts on the Municipalities were absorbed in pursuance of the G.O.Ms.No.547 and they are entitled for all the benefits including the scales of pay from their counterparts were absorbed. However, they are not entitled for back wages and monetary benefits from the date of termination till the date of this orders.

6. The Special Leave Petition filed against the orders of Hon'ble High Court dated 24.08.2004 in W.P.No.34411/97 was also dismissed by Hon'ble Supreme Court in C.C.No.4740 of 2010 on 1.4.2010 on the ground of delay.

7. While explaining the facts and circumstances of the case, the C&DMA has requested to the Government that in view of the dismissal of SLP by Supreme Court, the orders of High Court dated 24.08.2004 in W.P.No.34411/97 has to be implemented and requested the Government to issue appropriate orders in the matter. A contempt application in C.C.No.436/2011 is also filed for non implementation of the orders of Hon'ble High Court.

8. The Government after careful examination of the matter hereby accord permission to the Director of Municipal Administration, Hyderabad to absorb 9 persons listed at para No. 4 supra in pursuance of order passed by Hon'ble High Court dated 24.08.2004 in W.P.No.34411/97. The Director of Municipal Administration, Hyderabad is requested to take further action and send compliance report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
SECRETARY TO GOVERNMENT

To

The Director of Municipal Administration, Hyderabad.

Copy to:

The District Collector, Nizamabad District.

The Commissioner, Nizamabad Municipal Corporation, Nizamabad.

The Municipal Commissioner, Bodhan Municipality.

The G.P. for Services-I, Hon'ble High Court of A.P., Hyderabad.

(with reference to the Lr.C.C.No.436/2011 in W.P.No.
34411/97/G.P. for Ser.I/PNR/HC Dated 22.06.2011)

Sf/Sc

//FORWARDED BY ORDER//

RESEARCH OFFICER